

REMARKS

Reconsideration of this application, as amended, is respectfully requested.

In the Office Action, the Examiner rejects claims 1, 2, 4-8 and 10-13 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, the Examiner argues that the phrases “per unit the use time” and “per unit the number of use times” are indefinite as to meaning.

In response, the claims have been amended to remove the objectionable language thereby rendering the rejection thereof moot. Accordingly, it is respectfully requested that the rejection of claims 1, 2, 4-8 and 10-13 under 35 U.S.C. § 112, second paragraph, be withdrawn.

In the Office Action, the Examiner rejects claims 1, 2, 4-8 and 10-13 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,830,121 to Enomoto et al., (hereinafter “Enomoto”) in view of U.S. Patent No. 6,307,332 to Noguchi et al., (hereinafter “Noguchi”).

In the “Response to Arguments” section of the Office Action (see page 3, paragraph 5 of the Office Action), the Examiner indicates that the newly added claim language does not define a structural or functional difference over the cited references and therefore, does not distinguish over the references (this is also discussed in the body of the rejection at the paragraph bridging pages 2 and 3 of the Office Action).

Thus, in response to the rejection under 35 U.S.C. § 103(a), independent claims 1 and 10-13 have been amended to clarify their distinguishing features. Specifically, claim 1 has been amended to recite:

“a use time obtaining unit for obtaining a use time from a use start of an endoscope until a present time of use of the endoscope;

a number of use times obtaining unit for obtaining a number of use times from the use start of the endoscope until the present time of use of the endoscope;

an estimating unit making an estimation of a secular change in the endoscope from the use start until the present time based on the use time obtained by the use time obtaining unit and the number of use times obtained by the number of use times obtaining unit; and

a displaying unit displaying a ratio of a result of the estimation to a degree of the secular change, which is preset for the endoscope.”

Independent claims 10-13 have been similarly amended. The amendment to claims 1 and 10-13 is fully supported in the original disclosure. Thus, no new matter has been introduced into the disclosure by way of the present amendment to independent claims 1 and 10-13.

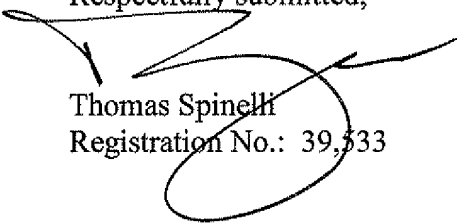
Applicants respectfully submit that neither Enomoto nor Noguchi, disclose or suggest at least the number of use times obtaining unit/means and/or the function thereof now expressly recited in claims 1 and 10-13. Furthermore, neither Enomoto nor Noguchi, disclose or suggest performing a secular change in the endoscope by an estimating unit/means based on the obtained number of use times of the endoscope.

With regard to the rejection of claims 1, 2, 4-8 and 10-13 under 35 U.S.C. § 103(a), independent claims 1 and 10-13, as amended, are not rendered obvious by the cited references because neither the Enomoto patent nor the Noguchi patent, whether taken alone or in combination, teach or suggest the features discussed above and recited in independent claims 1 and 10-13. Accordingly, claims 1 and 10-13, as amended, patentably distinguish over the prior art and are allowable. Claims 2 and 4-8, being dependent upon claim 1, are

thus at least allowable therewith. Consequently, the Examiner is respectfully requested to withdraw the rejection of claims 1, 2, 4-8 and 10-13 under 35 U.S.C. § 103(a).

In view of the above, it is respectfully submitted that this application is in condition for allowance. Accordingly, it is respectfully requested that this application be allowed and a Notice of Allowance issued. If the Examiner believes that a telephone conference with Applicants' attorneys would be advantageous to the disposition of this case, the Examiner is requested to telephone the undersigned.

Respectfully submitted,



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